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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,660	11/02/2001	Kevin Lauren Cote	600.1177	7598

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EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

Office Action Summary

Application No.

10/005,660

Applicant(s)

COTE ET AL.

Examiner

Marc Jimenez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1. 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, Claims 1-16 in Paper No. 7 is acknowledged.
2. Claims 17-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Drawings

3. The drawings are objected to because the print quality of fig. 4 is unclear. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed (ie. the method).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 8 and 10-16** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites “a third strip of a third material” in lines 1-2, however, there is no previous recitation of a second strip of a second material.

Claim 10 recites “cutting a fourth strip of a fourth material” in line 2, however, there is no previous recitation of a second or third strip.

Claim 14 recites “disposing a sixth strip of a sixth material at the first and second webs” lines 1-2. It is unclear what this limitation encompasses.

Claim 15 recites “disposing a seventh strip of a seventh material at the bent second and fourth tabs” in lines 1-2. It is unclear what this limitation encompasses.

Claim 15 recites “fourth tabs” in line 2 which lacks proper antecedent basis.

Claim 16 recites disposing a seventh strip of a seventh material at the bent second and fourth tabs” in line 4. It is unclear what this limitation encompasses.

Claim 16 recites “fourth tabs” in line 4 which lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. **Claims 1 and 7** are rejected under 35 U.S.C. 102(b) as being anticipated by Jarvis et al. (3,550,235).

Jarvis et al. teach a method for making a roll (fig. 8) comprising: cutting a first strip **14** of a first material so as to form a first web **16** with a plurality of first tabs **18** disposed one after the other and extending from the first web **16**, bending (fig. 7) the plurality of first tabs **18** relative to the first web **16** so as to form a first strut strip having the first tabs **18** extending from the first web **16** at an angle relative to a surface of the first web **16**, and wrapping the first strut strip about a cylindrical form **32** (fig. 8), the strut strip following a helical path (fig. 8) about the cylindrical form **32**.

Regarding the limitation “for a rotary printing press” in the preamble of claim 1, note that the preamble is generally not accorded any patentable weight where it merely recites the purpose of the process and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps are able to stand alone. *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976). See also attached section of MPEP 2111.02 at the end of this office action.

Note the first web **16** forms an inner wall of the roll.

9. **Claims 1, 3, and 7** are rejected under 35 U.S.C. 102(b) as being anticipated by Rodeck (2,372,795).

Rodeck teach a method for making a roll (fig. 2) comprising: cutting **3** a first strip **1** of a first material so as to form a first web **1** with a plurality of first tabs **2** disposed one after the other and extending from the first web **1**, bending (fig. 3) the plurality of first tabs **3** relative

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to the first web 1 so as to form a first strut strip having the first tabs 3 extending from the first web 1 at an angle relative to a surface of the first web 1, and wrapping the first strut strip about a cylindrical form 7 (fig. 2), the strut strip following a helical path (fig. 2) about the cylindrical form 7.

Regarding the limitation “for a rotary printing press” in the preamble of claim 1, note that the preamble is generally not accorded any patentable weight where it merely recites the purpose of the process and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps are able to stand alone. *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976). See also attached section of MPEP 2111.02 at the end of this office action.

Note that adjacent wraps of the first web are welded to each other (col. 2, lines 12-13) and the first web 1 forms an inner wall of the roll.

10. **Claims 1, 7, and 9** are rejected under 35 U.S.C. 102(b) as being anticipated by Lloyd (5,031,694).

Lloyd teaches a method for making a roll (fig. 1) comprising: cutting 26 (fig. 4a) a first strip 12 of a first material so as to form a first web 54 with a plurality of first tabs 52 disposed one after the other and extending from the first web 54 (fig. 4b), bending the plurality of first tabs 52 relative to the first web 54 so as to form a first strut strip having the first tabs 52 extending from the first web 54 at an angle relative to a surface of the first web 54, and wrapping the first strut strip about a cylindrical form 10 (fig. 1), the strut strip following a helical path (fig. 1) about the cylindrical form 10.

Regarding the limitation “for a rotary printing press” in the preamble of claim 1, note that the preamble is generally not accorded any patentable weight where it merely recites the purpose of the process and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps are able to stand alone. *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976). See also attached section of MPEP 2111.02 at the end of this office action. Note that the first web **54** forms an inner wall of the roll.

Note that the bending (fig. 4b) is performed so as to form a plurality of straight first tabs **52** (see lead lines in the vicinity of **54**) extending at an acute angle from the surface of the first web **54** and a plurality of bent first tabs **52** (see the side walls in fig. 4b) extending generally perpendicularly from the surface of the first web **54**, the plurality of bent first tabs **52** including respective bent end portions extending generally parallel to the surface of the first web **54** and away from the straight first tabs **52** (the tabs on top), wherein the straight and bent first tabs project from the first web **54** in an alternating fashion.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rodeck.

Rodeck discloses the claimed invention except for teaching welding the adjacent wraps of

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the first web to each other instead of gluing them. At the time of the invention it would have been an obvious matter of design choice to a person of ordinary skill in the art, to have glued the adjacent wraps to each other because applicant has not disclosed that gluing provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either welding taught by Rodeck or the claimed gluing because both attaching means perform the same function of attaching the adjacent wraps together equally well.

Therefore, it would have been an obvious matter of design choice to modify Rodeck, to obtain the invention as specified in claim 2.

13. **Claims 4-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvis et al. in view of Wiedenmann et al. (3,789,786).

Jarvis et al. teach the invention cited with the exception of wrapping a second strip of a second material about the cylindrical form so as to form a substrate for the first web.

Wiedenmann et al. teach wrapping a second strip of a second material **5** about the cylindrical form so as to form a substrate for a first web **33**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Jarvis et al. with a second strip of a second material about the cylindrical form so as to form a substrate for the first web, in light of the teachings of Wiedenmann et al., in order to securely fasten the first web to the cylindrical form and in order to add structural support.

Jarvis et al./Wiedenmann teach the invention cited above with the exception of applying a layer of an adhesive to the substrate before wrapping the first web. Official notice is taken that at the time of the invention, it was well known to a person of ordinary skill in the art to have applied a layer of adhesive to the substrate before wrapping the first web, in order to firmly hold the first web in place.

Note that Wiedenmann teaches that the substrate **5** forms an inner wall of the roll because it is inside the outer walls **4 and 2**.

14. **Claims 4-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodeck in view of Wiedenmann et al. (3,789,786).

Rodeck teach the invention cited with the exception of wrapping a second strip of a second material about the cylindrical form so as to form a substrate for the first web.

Wiedenmann et al. teach wrapping a second strip of a second material **5** about the cylindrical form so as to form a substrate for a first web **33**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Rodeck with a second strip of a second material about the cylindrical form so as to form a substrate for the first web, in light of the teachings of Wiedenmann et al., in order to securely fasten the first web to the cylindrical form or in order to add structural support.

Rodeck/Wiedenmann teach the invention cited above with the exception of applying a layer of an adhesive to the substrate before wrapping the first web. Official notice is taken that at the time of the invention, it was well known to a person of ordinary skill in the art to have

applied a layer of adhesive to the substrate before wrapping the first web, in order to firmly hold the first web in place.

Note that Wiedenmann teaches that the substrate **5** forms an inner wall of the roll because it is inside the outer walls **4 and 2**.

Contact Information

15. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Friday, between 5:30 am- 2:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular

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communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Petitions/Special Programs	(703) 305-9285
Terminal Disclaimers	(703) 305-8408
PCT Help Desk	(703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov/


MJ

April 2, 2003


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